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DEPARTMENT OF JUSTICE

[CPCLO Order No. 004-2013]

Privacy Act of 1974; System of Records

AGENCY: Executive Office for Organized Crime Drug Enforcement Task Forces (OCDETF), Department of Justice.

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, and Office of Management and Budget (OMB) Circular No. A-130, notice is hereby given that the Department of Justice (Department or DOJ), Executive Office for OCDETF, proposes to amend an existing system of records notice (SORN) entitled, "Organized Crime Drug Enforcement Task Force Fusion Center and International Organized Crime Intelligence and Operations Center System," JUSTICE/CRM-028, last published at 74 FR 26733, June 3, 2009. This amendment reflects a reorganization of the Department of Justice establishing the Executive Office for OCDETF as a new component and the resulting transfer of responsibility for this system of records from the Criminal Division to the Executive Office for OCDETF. Accordingly, the Executive Office for OCDETF is changing the system number from JUSTICE/CRM-028 to JUSTICE/OCDETF-002, and making revisions to reflect the Executive Office for OCDETF's own record-keeping practices and the overall modernization and technological changes of the system. Accordingly, this modified SORN will replace the SORN for JUSTICE/CRM-028. In addition, this amended SORN updates and modifies the previous SORN as follows: In

the Categories of Individuals Covered by the System, a new category has been added for individuals who seek to or in fact do enter, exit, or transit the border of the United States and individuals associated with any such travel, including owners/lessees of the conveyances used; the Categories of Records in the System includes additional examples of records that may be associated with this new category of individuals; Executive Office for OCDETF contact information has been updated; and various other minor revisions have been made.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment. Therefore, please submit any comments by [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

ADDRESS: The public, OMB, and Congress are invited to submit any comments to the Department of Justice, ATTN: Privacy Analyst, Office of Privacy and Civil Liberties, U.S. Department of Justice, National Place Building, 1331 Pennsylvania Avenue NW., Suite 1000, Washington, DC 20530-0001, or by facsimile to 202-307-0693.

FOR FURTHER INFORMATION CONTACT: Jill Aronica, Chief Information Systems Section, Executive Office for OCDETF, U.S. Department of Justice, 1331 Pennsylvania Avenue NW., Suite 1060, Washington, DC 20530, phone 202-514-1860.

SUPPLEMENTARY INFORMATION:

This system serves two primary purposes. The first is to facilitate the mission of the OCDETF Program, which is to reduce the illegal drug supply by identifying, disrupting, and dismantling the most significant international and domestic drug supply and money laundering organizations and related criminal operations (e.g., arms traffickers, alien smugglers, terrorists). The second purpose of this system is to facilitate

the mission of the International Organized Crime Intelligence and Operations Center (IOC-2) and its member agencies to significantly disrupt and dismantle those international criminal organizations posing the greatest threat to the United States. Recognizing the demonstrated interrelationship between criminal organizations that engage in illicit drug trafficking (and related criminal activities) and those that engage in international organized crime, involving a broader variety of criminal activity, the IOC-2 and OCDETF formed a partnership to facilitate both OCDETF and IOC-2 mission needs by collocating multi-source criminal law enforcement and intelligence data for the compilation, fusion, storage, and comprehensive analysis of drug, international organized crime, financial, and related investigative information. Using this system, the OCDETF Fusion Center/IOC-2 develop investigative leads, operational intelligence products, and strategic intelligence assessments on new or evolving threats for dissemination as appropriate to cognizant law enforcement, regulatory, intelligence, and military agencies to assist them in enforcing criminal, civil, and regulatory laws related to drug trafficking, money laundering, firearms trafficking, alien smuggling, organized crime, terrorism, and other crimes, including the identification, apprehension, and prosecution of individuals who threaten the United States' national and international security interests through their involvement in such crimes.

Before the Executive Office for OCDETF became its own Department component, this system of records was exempted from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). These exemptions are codified in the Code of Federal Regulations (CFR) section for exemptions of Criminal Division systems (28 CFR 16.91(u) and (v)). The Department is establishing a new CFR section for

exemptions of OCDETF systems (28 CFR 16.135) and redesignating the existing exemptions to be part of this new OCDETF section. In the meantime, the Department intends that the exemptions established in 28 CFR 16.91(u) and (v) will continue to apply to this system and all its records until 28 CFR 16.135 is effective.

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and Congress on this modified system of records notice.

Date: August 21, 2013

Joo Y. Chung
Acting Chief Privacy and Civil Liberties Officer
United States Department of Justice

JUSTICE/OCDETF-002

SYSTEM NAME:

Organized Crime Drug Enforcement Task Force Fusion Center and International
Organized Crime Intelligence and Operations Center System.

SECURITY CLASSIFICATION:

Classified and unclassified.

SYSTEM LOCATION:

OCDETF Fusion Center, Executive Office for OCDETF, U.S. Department of
Justice, 1331 Pennsylvania Avenue NW., Suite 1060, Washington, DC 20530-0001.

Some or all system information may be duplicated at other locations for purposes
including system backup, emergency preparedness, and continuity of operations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Individuals charged with, convicted of, or known, suspected, or alleged to be
involved with, illicit drug trafficking or other potentially related criminal activity,
including but not limited to facilitating the transportation of drug proceeds, money
laundering, firearms trafficking, alien smuggling, and terrorist activity, or involved with
international organized crime. For these purposes international organized crime refers to
those self-perpetuating associations of individuals who operate internationally for the
purpose of obtaining power, influence, monetary, and/or commercial gains, wholly or in
part by illegal means, while protecting their activities through a pattern of corruption
and/or violence, or while protecting their activities through an international

organizational structure and the exploitation of international commerce or communication mechanisms.

2. Individuals with pertinent knowledge of some circumstances or aspects of a case or record subject, such as witnesses, associates of record subjects, informants, and law enforcement or intelligence personnel.

3. Individuals reasonably suspected of engaging in money laundering, other financial crimes, terrorism, and other criminal activity, including individuals referenced in information provided to the Financial Crimes Enforcement Network from financial institutions and other sources.

4. Individuals identified in or involved with the filing, evaluation, or investigation of reports under the Bank Secrecy Act and its implementing regulations.

5. Immigrant and nonimmigrant visa applicants.

6. Individuals who seek to or in fact do enter, exit, or transit the border of the United States by air, land, or sea, regardless of method of transportation or conveyance, including those beginning or concluding a portion of their international travel by traveling domestically within the United States, and individuals associated with any such travel, including owners/lessees of the conveyances used.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may contain investigative and intelligence information about the individuals in this system, including their identifying information such as, but not limited to, name, date of birth, gender, social security number, address, physical description, photograph, operator license (e.g., driver, airman, mariner), international travel information (e.g., visa adjudication, issuance, and refusal information, country of

citizenship, travel documents, admission and departure processing), vehicle license plate/number and other information on conveyances used, bank account number, location// activities, as well as other data which may assist the OCDETF Fusion Center in fulfilling its responsibilities and/or the International Organized Crime Intelligence and Operations Center (IOC-2) in fulfilling its responsibilities. Information includes multi-source data that may assist law enforcement agencies, regulatory agencies, and agencies of the U.S. foreign intelligence community or military community in executing their responsibilities with respect to drug trafficking, international organized crime, money laundering, firearms trafficking, alien smuggling, terrorism, and other enforcement efforts, including the identification, location, arrest and prosecution of suspects, and civil proceedings and other activities related to such enforcement activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Consolidated Appropriations Act, 2004, Pub. L. No. 108-199, 118 Stat. 3; Comprehensive Drug Abuse Prevention and Control Act of 1970, Pub. L. 91-513, 84 Stat. 1236 (21 U.S.C. 801 et seq.); the United Nations Single Convention on Narcotic Drugs, 1961; the Organized Crime Control Act of 1970, Pub. L. 91-452, 84 Stat. 922; the United Nations Convention on Transnational Organized Crime, 2000; and E.O. 11396, 33 FR 2689, 3 CFR, 1966-1970 Comp., p. 711. Additional authority is derived from Treaties, Statutes, Executive Orders, and Presidential Proclamations which the Department of Justice (DOJ) has been charged with administering.

PURPOSE(S):

This system serves two primary purposes. The first is to facilitate the mission of the OCDETF Program, which is to reduce the illegal drug supply by identifying,

disrupting, and dismantling the most significant international and domestic drug supply and money laundering organizations and related criminal operations (e.g., arms traffickers, alien smugglers, terrorists). The second purpose of this system is to facilitate the mission of the International Organized Crime Intelligence and Operations Center (IOC-2) and its member agencies to significantly disrupt and dismantle those international criminal organizations posing the greatest threat to the United States. Recognizing the demonstrated interrelationship between criminal organizations that engage in illicit drug trafficking (and related criminal activities) and those that engage in international organized crime, involving a broader variety of criminal activity, the IOC-2 and OCDETF formed a partnership to facilitate both OCDETF and IOC-2 mission needs by collocating multi-source criminal law enforcement and intelligence data for the compilation, fusion, storage, and comprehensive analysis of drug, international organized crime, financial, and related investigative information. Using this system, the OCDETF Fusion Center/IOC-2 develop investigative leads, operational intelligence products, and strategic intelligence assessments on new or evolving threats for dissemination as appropriate to cognizant law enforcement, regulatory, intelligence, and military agencies to assist them in enforcing criminal, civil, and regulatory laws related to drug trafficking, money laundering, firearms trafficking, alien smuggling, organized crime, terrorism, and other crimes, including the identification, apprehension, and prosecution of individuals who threaten the United States' national and international security interests through their involvement in such crimes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b), relevant information contained in this system of records may be disclosed as follows:

(a) To any criminal, civil, or regulatory law enforcement authority (whether federal, state, local, territorial, tribal, or foreign) where the information is relevant to the recipient entity's law enforcement responsibilities.

(b) To a governmental entity lawfully engaged in collecting law enforcement, law enforcement intelligence, or national security intelligence information for such purposes.

(c) To any person, organization, or governmental entity in order to notify them of a serious terrorist threat for the purpose of guarding against or responding to such a threat.

(d) To any person or entity if deemed by the Executive Office for OCDETF/IOC-2 to be necessary in order to elicit information or cooperation from the recipient for use by the Executive Office for OCDETF/IOC-2 in the performance of an authorized law enforcement activity.

(e) To the Department of State and components thereof to further the efforts of those agencies with respect to the national security and foreign affairs aspects of international drug trafficking, money laundering, firearms trafficking, alien smuggling, terrorism, and related crimes.

(f) To the Department of Defense and components thereof to support its role in the detection and monitoring of the transportation of illegal drugs and money laundering in the United States or such other roles in support of counter-drug and money laundering law enforcement, counter-firearms trafficking, counter-alien smuggling, and related crimes as may be permitted by law.

(g) To the United Nations and its employees to the extent that the information is relevant to the recipient's law enforcement or international security functions.

(h) To the White House (the President, Vice President, their staffs, and other entities of the Executive Office of the President), and, during Presidential transitions, to the President-elect and Vice-President-elect and to their designated transition team staff, for coordination of activities that relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President, President-elect, Vice President, or Vice-President-elect.

(i) To complainants and/or victims to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim.

(j) In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body, when the Department of Justice determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

(k) To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion on such matters as settlement, plea bargaining, or in informal discovery proceedings.

(l) To the news media and the public, including disclosures pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(m) To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records.

(n) To designated officers and employees of state, local, territorial, or tribal law enforcement or detention agencies in connection with the hiring or continued employment of an employee or contractor, where the employee or contractor would occupy or occupies a position of public trust as a law enforcement officer or detention officer having direct contact with the public or with prisoners or detainees, to the extent that the information is relevant and necessary to the recipient agency's decision.

(o) To appropriate officials and employees of a federal agency or entity that requires information relevant to a decision concerning the hiring, appointment, or retention of an employee; the assignment, detail, or deployment of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract; or the issuance of a grant or benefit.

(p) To a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

(q) To federal, state, local, territorial, tribal, foreign, or international licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

(r) To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

(s) To the National Archives and Records Administration for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(t) To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

(u) To such recipients and under such circumstances and procedures as are mandated by federal statute or treaty.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING,

RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computerized records are stored in databases and/or on hard disks, removable storage devices, or other electronic media. Some information, including investigative files and information incorporated into analytical products may be retained in hard copy format and stored in individual file folders and file cabinets with controlled access, and/or other appropriate GSA-approved security containers.

RETRIEVABILITY:

Individual records are accessed by use of data-retrieval capabilities of computer software acquired and developed for processing of information in the OCDETF Fusion Center and IOC-2 System. (Hard-copy formats are accessed via manual retrieval.) Data will be retrieved through a number of criteria, including personally identifiable information such as name and social security number.

SAFEGUARDS:

These records are housed in a secure building restricted to DOJ employees and other authorized personnel, and those persons transacting business with the DOJ who are escorted by DOJ or other authorized personnel. Physical and electronic access to system records is safeguarded in accordance with DOJ rules and policies governing automated systems security and access, including the maintenance of technical equipment in restricted areas. The selection of containers or facilities is made in consideration of the sensitivity or National Security Classification of the files. System records are contained in a room secured by intruder alarms and other appropriate physical and electronic security controls. Access to system computer terminal(s) is further restricted to DOJ

employees, detailees to DOJ from other government agencies, and individual contractors who have authorized access (including individual passwords and identification codes), appropriate security clearances, and a demonstrated and lawful need to know the information in order to perform assigned functions on behalf of the OCDETF Fusion Center and/or IOC-2. All OCDETF Fusion Center and IOC-2 personnel capable of accessing system records will have successfully passed a background investigation. Unauthorized access to the telecommunications terminals is precluded by a complex authentication procedure.

RETENTION AND DISPOSAL:

Records in this system are maintained and disposed of in accordance with appropriate authority of the National Archives and Records Administration.

SYSTEM MANAGER AND ADDRESS:

Director, Executive Office for OCDETF, U.S. Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20530-0001.

NOTIFICATION PROCEDURE:

Same as Record Access Procedures.

RECORD ACCESS PROCEDURES:

A request for access to a record from this system must be submitted in writing and comply with 28 CFR part 16, and should be sent to the Executive Office for OCDETF, U.S. Department of Justice, National Place Building, 1331 Pennsylvania Avenue NW., Suite 1060, Washington, DC 20530-0001. The envelope and the letter should be clearly marked "Privacy Act Access Request." The request should include a general description of the records sought and must include the requester's full name, current address, and date

and place of birth. The request must be signed and dated and either notarized or submitted under penalty of perjury. While no specific form is required, requesters may obtain a form (Form DOJ-361) for use in certification of identity from the FOIA/Privacy Act Mail Referral Unit, Justice Management Division, United States Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20530-0001, or from the Department's website at http://www.justice.gov/oip/forms/cert_ind.pdf. As described below in the section entitled "Exemptions Claimed for the System," the Attorney General has exempted this system of records from the notification, access, and amendment provisions of the Privacy Act. These exemptions apply only to the extent that the information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j) and/or (k). An individual who is the subject of a record in this system may seek access to those records that are not exempt from the access provisions. A determination whether a record may be accessed will be made at the time a request is received.

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest or amend information maintained in the system should direct their requests to the address indicated in the "Record Access Procedures" section, above. The request must comply with 28 CFR 16.46, and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment of the information. Some information may be exempt from the amendment provisions. An individual who is the subject of a record in this system may seek amendment of those records that are not exempt. A determination whether a record may be amended will be made at the time a request is received.

RECORD SOURCE CATEGORIES:

Information is provided by federal, state, local, tribal, territorial, and foreign law enforcement agencies; agencies of the U.S. foreign intelligence community and military community; the private sector; and open sources, such as broadcast and print media and publicly available databases.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The Attorney General has exempted this system from subsections (c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1), (2), (3), (4)(G), (H), and (I), (5), and (8); (f); and (g) of the Privacy Act. The exemptions will be applied only to the extent that information in a record is subject to exemption pursuant to 5 U.S.C. 552a(j) and/or (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e), and have been published in today's Federal Register.

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